

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of §  
the Estate of RONALD TYRONE §  
ROBY, Deceased,**

**Plaintiff,**

**v.**

**BENTON EXPRESS, INC., et al.,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO.  
2:05-cv-494-MHT**

**PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S CONTINUANCE**

—

The Plaintiff respectfully requests this Court to reconsider its continuance of the trial from the March 20, 2006 trial docket. The Plaintiff suffered the loss of her husband in a horrible wreck caused by the Defendant. Both parties worked diligently to prepare this case for trial. Further, the parties are involved in ongoing settlement negotiations in an effort for both parties to avoid the uncertainty of a jury trial. Although the case is not resolved, the Plaintiff is committed to discovering whether this matter can be resolved without the necessity of a jury trial. However, the Plaintiff is concerned that the momentum of settlement discussions will be slowed due to a continuance of the trial. During the pretrial it was apparent that both parties were ready, willing and able to settle this case prior to trial or try this case during the March 20, 2006 trial docket.

To further complicate matters, the lawyer for the Defendant filed a motion on March 8, 2006 indicating that he has a personal conflict with the June 26,

2006 trial setting. The Defendant's motion indicated that counsel was willing to try the case prior to the June 26, 2006 trial date. Since both parties and both counsel have already reserved the week of March 20, 2006 to try this case, the Plaintiff would request that this Court reconsider its decision to continue the case. The Plaintiff, of course, is not privy to the reasons for the continuance of the case by the Court. However, if the Court is unable to try the case during the week of March 20, 2006, the Plaintiff would ask the Court to consider transferring the case to another district judge or magistrate judge (assuming the parties agree) to try the case during the week of March 20, 2006. The Plaintiff is grateful for the Court's consideration of this motion.

Submitted this the 8<sup>th</sup> day of March, 2006.

/s/ Jere L. Beasley  
JERE L. BEASLEY  
Attorney for Plaintiff

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P.C.  
218 Commerce Street  
Post Office Box 4160  
Montgomery, Alabama 36103-4160  
(334) 269-2343 (Telephone)  
(334) 954-7555 (Facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following on this the 8<sup>th</sup> day of March, 2006.

/s/ Jere L. Beasley

OF COUNSEL

Gregory A. Brockwell  
Brett A. Ross  
Carr, Allison, Pugh, Howard, Oliver & Sisson, P.C.  
100 Vestavia Parkway, Suite 200  
Birmingham, AL